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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,281	09/29/2000	Andrew Brown	1662-30100 (P99-2845)	1271

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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/675,281

Applicant(s)

BROWN ET AL.

Examiner

Benjamin R Bruckart

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-28 are pending in this action.

The objections on claims 11 and 18 are withdrawn in light of the minor amendment.

### **Response to Arguments**

Applicant's arguments filed in the amendment filed June 21, 2004, have been fully considered but they are not persuasive. The reasons are set forth below.

#### **Applicant's invention as claimed:**

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-10, 14-17, 22-24, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,205,547 by Davis in view of U.S. Patent No. 5,452,454 by Basu.**

**Claims 11-13, 18-21, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,205,547 by Davis in view of U.S. Patent No. 5,452,454 by Basu in further view of U.S. Patent No. 6,202,091 by Godse.**

Regarding claim 1,

The Davis reference teaches a system for managing a computer system (Davis: col. 6, lines 8-11), comprising:

a host computer system (Davis: col. 1, lines 40-42) comprising:

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a management sub-system (Davis: col. 1, lines 43-45), said management sub-system including a processor and memory (Davis: col. 3, lines 13-18);

a remote management console capable of communicating remotely with said management sub-system (Davis: col. 4, lines 21-22, lines 50-56);

The Davis reference does not explicitly state receiving an image of a bootable program.

The Basu reference teaches receiving an image of a bootable program for the host computer system from said remote management console (Basu: col. 4, lines 52-55), and wherein said image is stored in the memory (Basu: col. 4, lines 52-55); and then

wherein said host computer system loads said image during its boot cycle, and executes said image as part of its boot cycle (Basu: col. 4, lines 55-57).

The Davis reference further teaches the SMC receives and transmits data via the NIC and modem independent of the host processor to regulate the behavior by determining and modifying the state of the various system components (Davis: col. 4, lines 50-65).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system for managing a computer system with a management subsystem as taught by Davis while downloading bootable images into memory as taught by Basu in order to regulate the behavior by determining and modifying the state of the various system components (Davis: col. 4, lines 50-65).

Claims 2-15 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Basu and Davis.

Regarding claim 2, the system of claim 1, wherein said host computer system includes a processor (Davis: col. 2, lines 21-24) and a host ROM (Basu: col. 3, lines 55-59) that is programmed to check the memory for bootable images (Basu: col. 4, lines 4-10), and wherein said processor accesses said host ROM during its boot cycle (Basu: col. 3, lines 55-59).

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Regarding claim 3, the system of claim 1, wherein said management sub-system comprises a computer card that may be installed within said host computer system (Davis: col. 4, lines 52, NIC).

Regarding claim 4, the system of claim 3, wherein said host computer system includes a system bus, and said computer card couples to said system bus (Davis: col. 2, lines 20-21, 26-31).

Regarding claim 5, the system of claim 4, wherein said system bus comprises a PCI bus (Davis: col. 2, lines 38-39, col. 3, line 9).

Regarding claim 6, the system of claim 1, wherein said management sub-system includes a network interface that enables said management sub-system to transmit and receive signals via a local area network (Davis: col. 4, lines 50-57; col. 5, line 24).

Regarding claim 7, the system of claim 6, wherein said management sub-system couples to said remote management console via the local area network (Davis: col. 4, line 21-22; col. 5, lines 26-28).

Regarding claim 8, the system of claim 1, wherein said management sub-system includes a modem that enables said management sub-system to transmit and receive signals via a telephone connection (Davis: col. 4, line 21-22), and wherein said remote management console also includes a modem to facilitate communications with said management sub-system (Davis: col. 4, line 21-22; col. 5, lines 26-28).

Regarding claim 9, the system of claim 1, wherein the remote management console includes a console processor and peripheral drives capable of receiving storage medium (Basu: Figures 1a-1f, server is a computer like a client computer, col. 7, lines 14-18; col. 6, lines 35-40), and wherein said console processor transfers data loaded in said

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peripheral drives to said management sub-system (Basu: Figures 1a-1f, tag 17; col. 6, lines 60-62).

Regarding claim 10, the system of claim 9, wherein said peripheral drives include a floppy drive (Basu: Figures 1a-1f, tag 17; LAD; disk), and said console processor transfers floppy images to said management sub-system (Basu: Figures 1a-1f, tag 17; col. 6, lines 60-62), and said management sub-system stores said floppy image in said memory in said management sub-system (Basu: col. 4, lines 52-55).

Regarding claim 14, the system of claim 10, wherein said host computer system checks the management sub system on each boot cycle to determine if a floppy image is present in the management memory (Basu: col. 4, lines 4-10).

Regarding claim 15, the system of claim 1, wherein said remote management console includes file transfer protocol client software (Davis: col. 4, lines 50-57; Basu: col. 7, lines 39-col. 8, line 18; variety of protocols), and said management sub-system includes file transfer protocol server software (Davis: col. 4, lines 50-57) for supporting the transfer of said image from said remote management console to said management sub-system (Basu: Figures 1a-1f, tag 17; col. 6, lines 60-62).

Regarding claim 16,

The Davis reference teaches a system for managing a computer (Davis: col. 6, lines 8-11), comprising:

- a host computer system (Davis: col. 1, lines 40-42) comprising:

- a processor (Davis: col. 2, lines 19-26);

- a bus bridge (Davis: col. 2, lines 19-35), coupled to said processor;

- a system bus coupled to said bus bridge (Davis: col. 2, lines 19-35), and

- said system bus including at least one port configured to receive a peripheral device (Davis: col. 2, line 19-35; Figure 2);

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a management sub-system including a management processor and memory (Davis: col. 1, lines 43-45; col. 3, lines 13-18), said management sub-system coupling to said system bus via said port (Davis: col. 2, lines 61-66);

a management console coupled to said management sub-system via a communications link (Davis: col. 4, lines 21-22, lines 50-56).

The Davis reference does not explicitly state receiving an image of a bootable program.

The Basu reference teaches said management console including a console processor and one or more peripheral drives (Basu: Figures 1a-1f, server is a computer like a client computer, col. 7, lines 14-18; col. 6, lines 35-40), and wherein said management console transfers images from said peripheral drive to memory via said communications link (Basu: Figures 1a-1f, tag 17; col. 6, lines 60-62); and

wherein said memory emulates a disk drive (Basu: col. 4, lines 1-10) so that the computer system checks the memory during each boot cycle to determine if it includes a bootable image (Basu: col. 4, lines 4-10).

The Davis reference further teaches the SMC receives and transmits data via the NIC and modem independent of the host processor to regulate the behavior by determining and modifying the state of the various system components (Davis: col. 4, lines 50-65).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system for managing a computer system with a management subsystem as taught by Davis while downloading bootable images into memory as taught by Basu in order to regulate the behavior by determining and modifying the state of the various system components (Davis: col. 4, lines 50-65).

Claim 17 is rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Basu and Davis.



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Regarding claim 17, the system of claim 16, wherein said one or more peripheral drives comprise at least one of a CD-ROM drive, hard drive, or a floppy drive (Basu: col. 6, lines 46-51; Figures 1a-1f, tag 17).

Regarding claim 22,

The Davis reference teaches a managed computer system (Davis: col. 1, lines 39-42) capable of being controlled by a remote management console (Davis: col. 5, lines 57-col. 6, line 3), said managed computer system comprising:

- a host processor (Davis: col. 2, lines 19-25);
- a system bus coupled to said processor by a bus bridge (Davis: col. 2, lines 19-35);
- a system memory coupled to said processor (Davis: col. 2, lines 19-35);
- a management sub-system coupled to said system (Davis: col. 2, lines 61-66), said management sub-system including:
  - a management processor (Davis: col. 3, lines 13-18);
  - a memory coupled to said management processor for storing software and data (Davis: col. 3, lines 13-18);
  - a network interface coupling said managed computer system to said remote management console via a communications link (Davis: col. 2, lines 13-18; lines 60-62).

The Davis reference does not explicitly state receiving an image of a bootable program.

The Basu reference teaches a system is capable of receiving an image of a bootable program from said remote management console (Basu: col. 2, lines 35-42), and wherein said image is stored in the memory (Basu: Figures 1a-1f, tag 17; col. 6, lines 60-62); and

wherein said host processor loads said image during its boot cycle, and executes said image as part of its boot cycle (Basu: col. 4, lines 4-11).

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The Davis reference further teaches the SMC receives and transmits data via the NIC and modem independent of the host processor to regulate the behavior by determining and modifying the state of the various system components (Davis: col. 4, lines 50-65).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system for managing a computer system with a management subsystem as taught by Davis while downloading bootable images into memory as taught by Basu in order to regulate the behavior by determining and modifying the state of the various system components (Davis: col. 4, lines 50-65).

Claims 23-28 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Basu and Davis.

Regarding claim 23, the system of claim 22, wherein said managed computer system includes a host ROM coupled to said host processor (Basu: col. 3, lines 55-59), and wherein said processor accesses said host ROM during its boot cycle (Basu: col. 4, lines 4-10).

Regarding claim 24, the system of claim 22, wherein said management sub-system comprises a computer card installed within said managed computer system (Davis: col. 4, lines 52, NIC).

Regarding claim 28, the system of claim 22, wherein said host processor checks the management sub-system on each boot cycle to determine if a bootable image is present in the memory coupled to the management processor (Basu: col. 4, lines 4-10).

Regarding claim 11,

The Davis and Basu reference teach a system for managing a computer system with a host computer, management sub system, and a remote management console.

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The Davis and Basu references do not explicitly state utilizing a control signal and setting a flag when an image is present.

The Godse reference teaches a system with a management processor transmits a control signal to said host computer system when a floppy image is stored in said management memory (Godse: col. 6, lines 27-31), and wherein said control signal sets a flag in said host computer system (Godse: col. 6, lines 32-35; the policy file).

The Godse reference further teaches that the improved method for booting a computer allows greater flexibility and permits the computer to selectively boot from either non-volatile memory or from a remote location in case of a crash locally or remotely (Godse: col. 1, lines 35-55).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to create the system for managing a computer system with a host computer, management sub system, and a remote management console as taught by Davis and Basu while incorporating a flag for customizing boot selection as taught by Godse in order to improve the method of booting a computer and allow for greater flexibility from selective boot choices. (Godse: col.1, lines 35-55)

Claims 12 and 13 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of the Davis, Basu and Godse.

Regarding claim 12, the system of claim 11, wherein said host computer system checks the status of said flag during each boot cycle (Godse: col. 2, line 65 - col. 3, line 8).

Regarding claim 13, the system of claim 12, wherein said host computer system executes the floppy image during its boot cycle if said flag is set (Godse: col. 3, lines 25-35).

Regarding claim 18,

The Davis and Basu reference teach a system for managing a computer system with a host computer, management sub system, and a remote management console.

The Davis and Basu references do not explicitly state utilizing a control signal and sending when a bootable image is received.

The Godse reference teaches a system with a management processor that transmits a control signal to said host computer system when a bootable image is received from said management console (Godse: col. 6, lines 27-31).

The Godse reference further teaches that the improved method for booting a computer allows greater flexibility and permits the computer to selectively boot from either non-volatile memory or from a remote location in case of a crash locally or remotely (Godse: col. 1, lines 35-55).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to create the system for managing a computer system with a host computer, management sub system, and a remote management console as taught by Davis and Basu while transmitting a control signal when a bootable image is received from said management console as taught by Godse in order to improve the method of booting a computer and allow for greater flexibility from selective boot choices. (Godse: col. 1, lines 35-55)

Claims 19-21 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of the Davis, Basu and Godse.

Regarding claim 19, the system of claim 18, wherein said management sub-system further comprises a network interface that couples to a local area network (Davis: col. 4, lines 52, NIC).

Regarding claim 20, the system of claim 19, wherein said local area network couples to said management console via a telephone line (Davis: col. 4, line 21-22).

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Regarding claim 21, the system of claim 20, wherein said local area network couples to said management console via the Internet (Davis: col. 4, line 21-22; col. 5, lines 26-28; the internet is a large network).

Regarding claim 25,

The Davis and Basu reference teach a system for managing a computer system with a host computer, management sub system, and a remote management console.

The Davis and Basu references do not explicitly state sending a control signal when a bootable image is stored in memory coupled to the management processor, or wherein said control signal sets a flag in said managed computer system.

The Godse reference teaches a system with a management processor that transmits a control signal to said host computer system when a bootable image is received from said management console (Godse: col. 6, lines 27-31).

The Godse reference further teaches that the improved method for booting a computer allows greater flexibility and permits the computer to selectively boot from either non-volatile memory or from a remote location in case of a crash locally or remotely (Godse: col. 1, lines 35-55).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to create the system for managing a computer system with a host computer, management sub system, and a remote management console as taught by Davis and Basu while transmitting a control signal when a bootable image is received from said management console as taught by Godse in order to improve the method of booting a computer and allow for greater flexibility from selective boot choices. (Godse: col.1, lines 35-55)

Claims 26-27 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of the Davis, Basu and Godse.

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Regarding claim 26, the system of claim 25, wherein said managed computer system checks the status of said flag during each boot cycle (Godse: col. 2, line 65 - col. 3, line 8).

Regarding claim 27, the system of claim 26, wherein said host processor executes the bootable image stored in the memory coupled to the management processor during its boot cycle if said flag is set (Godse: col. 3, lines 25-35; Basu: col. 4, lines 4-10).

**The Applicant Argues:**

With respect to claims 1, 16 and 22; applicant submits that the combination of Davis and Basu fail to teach or fairly suggest that a bootable image should be stored in the memory of a management sub-system. Applicant argues Basu teaches the images transferred are stored in the extended memory of the client PC, not the memory of the management sub-system.

**In response**, the examiner respectfully submits:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The Examiner acknowledges Basu does not teach the memory of the management sub-system. The examiner has clarified the 103(a) rejection to show the dependency of the management subsystem memory from Davis. Note the 103(a) references below.

The Davis reference teaches a system for managing a computer system (Davis: col. 6, lines 8-11), comprising:

a host computer system (Davis: col. 1, lines 40-42) comprising:

a management sub-system (Davis: col. 1, lines 43-45), said management sub-system including a processor and memory (Davis: col. 3, lines 13-18);

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a remote management console capable of communicating remotely with said management sub-system (Davis: col. 4, lines 21-22, lines 50-56);

The Davis reference does not explicitly state receiving an image of a bootable program.

The Basu reference teaches receiving an image of a bootable program for the host computer system from said remote management console (Basu: col. 4, lines 52-55), and wherein said image is stored in the memory (Basu: col. 4, lines 52-55); and then

wherein said host computer system loads said image during its boot cycle, and executes said image as part of its boot cycle (Basu: col. 4, lines 55-57).

The Davis reference further teaches the SMC receives and transmits data via the NIC and modem independent of the host processor to regulate the behavior by determining and modifying the state of the various system components (Davis: col. 4, lines 50-65).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system for managing a computer system with a management subsystem as taught by Davis while downloading bootable images into local memory as taught by Basu in order to regulate the behavior by determining and modifying the state of the various system components (Davis: col. 4, lines 50-65).

Davis does not teach receiving an image of a bootable program but teaches the architecture of a computer with a management sub-system for managing a computer system. Davis also teaches initializing a network connection at startup to send and receive information through communication programs (Davis: col. 4, lines 21-24, 50-57).

Applicant confirms this in his arguments.

The Basu reference teaches receiving an image of a bootable program for the host computer from said memory console (Basu: col. 4, lines 52-55). Basu teaches storing at least a significant portion of the bootable code from the remote disk into local memory, *preferable* into the extended memory portion of the system (Basu: col. 4, lines 50-57).

The examiner can find no mention in the claims or specification of the type of memory; only that the memory is a part of the management sub-system. The combination of Basu and Davis teach an image is stored in the memory in said management sub-system. Further applicant argues the existence of a management sub-system in Basu but the limitation is also taught and not addressed by applicant in the Davis reference.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (703) 305-0324. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart  
Examiner  
Art Unit 2155  
August 10, 2004

  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER